

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JEFFREY P. COLBY,)	
)	8:04cv52
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
DOUGLAS COUNTY, et al.,)	
)	
Defendants.)	

This matter is before the court on filing no. 48, in which the plaintiff, Jeffrey P. Colby, seeks to certify a plaintiff class in order to proceed as a class action in this litigation. However, the plaintiff, as a pro se litigant, may not represent other parties. "Every court that has considered the issue has held that a prisoner proceeding pro se is inadequate to represent the interests of his fellow inmates in a class action." Craig v. Cohn, 80 F. Supp.2d 944, 946 (N.D. Ind. 2000) (citations omitted). Accord Oxendine v. Williams, 509 F.2d 1405, 1407 (4th Cir. 1975) ("it is plain error to permit this imprisoned litigant who is unassisted by counsel to represent his fellow inmates in a class action."). See also Fymbo v. State Farm Fire and Cas. Co., 213 F.3d 1320, 1321 (10th Cir. 2000): "A litigant may bring his own claims to federal court without counsel, but not the claims of others." Accord Allnew v. City of Duluth, 983 F.Supp. 825, 831 (D. Minn. 1997).

The plaintiff does ask for appointment of counsel but the strictures of such an appointment are explained in my Memorandum and Order dated April 4, 2005. I do not find adequate grounds for such appointment.

IT IS ORDERED that the Motion to Convert Case to a Class Action, filing 48, including the request for an appointment of attorney is denied.

Dated June 22, 2005.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge